

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ANGELA M. YAN
421 Napa Street, Apt #1
Sausalito, California 94965

Registered Nursing License No. 586215

Respondent.

Case No. 2008-46

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 9, 2008.

It is so ORDERED May 9, 2008.

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FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-46

ANGELA M. YAN
421 Napa Street, Apt #1
Sausalito, California 94965

Registered Nursing License No. 586215

Respondent.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR
PUBLIC REPRIMAND**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
the Board of Registered Nursing (Board). She brought this action solely in her official capacity
and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
California, by Sterling A. Smith, Deputy Attorney General.

2. Respondent Angela M. Yan (Respondent) is represented in this proceeding
by Leeh Ann DiBello, Esq., 500 Sansome Street, Suite 410, San Francisco, California 94111.

3. On or about August 24, 2001, the Board issued Registered Nursing
License No. 586215 to Angela M. Yan (Respondent). The license will expire on May 31, 2009,
unless renewed.

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Since the 2004 incident, Respondent has received employer assessments showing that she meets or exceeds expectations in substantially all aspects of registered nursing. Moreover, Respondent has sharpened her nursing skills since the incident by completing classes in Trauma Nursing Core Course, Management of Assaultive Behavior, Pediatric Advanced Life Support Recognition, Sick Call Protocol for Correctional Nurses, Advanced Cardiac Life Support Recognition and Wound Management and Healing.

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12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including facsimile signatures thereto, shall have the same force and effect as the originals.

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1 13. In consideration of the foregoing admissions and stipulations, the parties
2 agree that the Board may, without further notice or formal proceeding, issue and enter the
3 following Disciplinary Order:

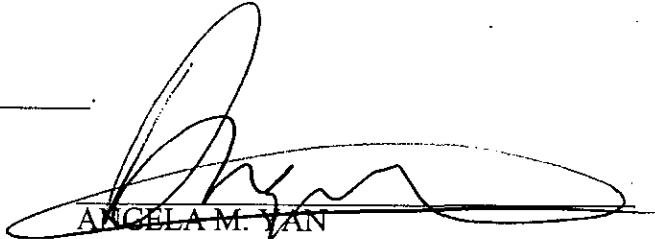
4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Respondent Angela M. Yan, as holder of
6 Registered Nursing License No. 586215 shall, by way of letter from the Board's Executive
7 Officer, be publicly reprimanded. Said letter shall be in substantially the same form as the letter
8 attached as Exhibit B hereto.

9 **ACCEPTANCE**

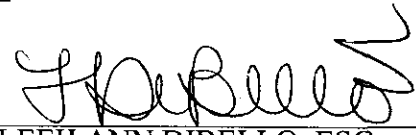
10 I have carefully read the Stipulated Settlement and Disciplinary Order for Public
11 Reprimand and have fully discussed it with my attorney, Leeh Ann DiBello, Esq. I understand
12 the stipulation and the effect it will have on my Registered Nursing. I enter into this Stipulated
13 Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and
14 intelligently, and agree to be bound by the Decision and Order of the Board of Registered
15 Nursing.

16 DATED: 3/4/08

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18 ANGELA M. YAN
19 Respondent

20 I have read and fully discussed with Respondent Angela Yan the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
22 for Public Reprimand. I approve its form and content.

23 DATED: 3/4/08

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25 LEEH ANN DIBELLO, ESQ.
26 Attorney for Respondent
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DATED: 3-11-2008

ARTHUR TAGGART
Supervising Deputy Attorney General

STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 2008-46

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR TAGGART
Lead Supervising Deputy Attorney General
3 STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
4 California Department of Justice
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5 P.O. Box 944255
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6 Telephone: (916) 323-3795
Facsimile: (916) 324-5567
7
8 Attorneys for Complainant

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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-46

13 ANGELA M. YAN
3718 Madrone Way
14 Sacramento, CA 95834

ACCUSATION

15 Registered Nurse License No. 586215,

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about August 24, 2001, the Board of Registered Nursing ("Board")
23 issued Registered Nurse License Number 586215 to Angela M. Yan ("Respondent"). The
24 license will expire on May 31, 2009, unless renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code ("Code") provides:

27 Every certificate holder or licensee, including licensees
28 holding temporary licenses, or licensees holding licenses placed
in an inactive status, may be disciplined as provided in this

1 article [Article 3 of the Nursing Practice Act (Bus. & Prof.
2 Code, § 2700 et seq.)]. As used in this article, 'license'
3 includes certificate, registration, or any other authorization
4 to engage in practice regulated by this chapter. The proceedings
5 under this article shall be conducted in accordance with Chapter 5
6 (commencing with Section 11500) of Part 1 of Division 3 of
7 Title 2 of the Government Code [the Administrative Procedure
8 Act], and the board shall have all the powers granted therein.

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11 4. Code section 2764 provides:

12 The lapsing or suspension of a license by operation of
13 law or by order or decision of the board or a court of law, or the
14 voluntary surrender of a license by a licensee shall not deprive
15 the board of jurisdiction to proceed with any investigation of or
16 action or disciplinary proceeding against such license, or to
17 render a decision suspending or revoking such license.

18 STATUTORY PROVISIONS

19 5. Code section 2761 provides, in pertinent part:

20 The board may take disciplinary action against a certified or
21 licensed nurse or deny an application for a certificate or license for
22 any of the following:

23 (a) Unprofessional conduct . . .

24 6. Code section 2762 provides, in pertinent part:

25 In addition to other acts constituting unprofessional
26 conduct within the meaning of this chapter [the Nursing Practice
27 Act], it is unprofessional conduct for a person licensed under
28 this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe,
or except as directed by a licensed physician and surgeon,
dentist, or podiatrist administer to himself or herself, or furnish
or administer to another, any controlled substance as defined in
Division 10 (commencing with Section 11000) of the Health
and Safety Code or any dangerous drug or dangerous device
as defined in Section 4022.

(e) Falsify, or make grossly incorrect, grossly inconsistent,
or unintelligible entries in any hospital, patient, or other record
pertaining to the substances described in subdivision (a) of
this section.

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1 7. Code section 4022 provides:

2 "Dangerous drug" or "dangerous device" means any
3 drug or device unsafe for self-use in humans or animals,
and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal
5 law prohibits dispensing without prescription," "Rx only," or
words of similar import.

6 (b) Any device that bears the statement: "Caution:
7 federal law restricts this device to sale by or on the order of a
_____, "Rx only," or words of similar import, the blank
8 to be filled in with the designation of the practitioner licensed
to use or order use of the device.

9 (c) Any other drug or device that by federal or state
10 law can be lawfully dispensed only on prescription or furnished
pursuant to Section 4006.

11 8. Health and Safety Code section 11173, subdivision (a), provides:

12 (a) No person shall obtain or attempt to obtain controlled
13 substances, or procure or attempt to procure the administration of
or prescription for controlled substances, (1) by fraud, deceit,
14 misrepresentation, or subterfuge; or (2) by the concealment of a
material fact.

15 9. Code section 125.3 provides that the Board may request the administrative
16 law judge to direct a licensee found to have committed a violation or violations of the licensing
17 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
18 the case.

19 DRUGS

20 10. "Propofol (Diprivan)" is a dangerous drug within the meaning of Code
21 section 4022.

22 FIRST CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct)

24 11. Respondent's license is subject to discipline for unprofessional conduct
25 under Code section 2761, subdivision (a), in that on or about April 24, 2004, at approximately
26 1348 hours, while employed at Mercy General Hospital, located in Sacramento, California,
27 Respondent administered a portion of a 20 ml vial of Propofol (Diprivan) to Patient "A" without
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1 a physician's order to do so. Thereafter, Respondent failed to document the administration of the
2 substance to the patient in the patient's medication administration record.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Wrongfully Obtaining and Administering a Dangerous Drug)

5 12. Respondent's license is subject to discipline for unprofessional conduct
6 under Code section 2762, subdivision (a), in that on or about April 24, 2004, while working
7 at Mercy General Hospital, located in Sacramento, California, Respondent did the following:

8 a. Wrongfully Obtaining a Dangerous Drug. As set forth under paragraph
9 11, above, Respondent obtained Propofol (Diprivan), by fraud, deceit, misrepresentation, or
10 subterfuge, or by the concealment of material facts, in violation of Health and Safety Code
11 section 11173, subdivision (a), in that Respondent obtained that substance without a physician's
12 order to do so.

13 b. Wrongfully Administering a Dangerous Drug. As set forth under
14 paragraph 11, above, Respondent administered Propofol (Diprivan) to Patient "A" without the
15 direction of a licensed physician and surgeon, dentist, or podiatrist.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Grossly Incorrect, Inconsistent Record Entries)

18 13. Respondent's license is subject to discipline for unprofessional conduct
19 under Code section 2761, subdivision (e), in that, as more particularly set forth under paragraph
20 11, above, Respondent made grossly incorrect and inconsistent entries in a hospital, patient, or
21 other record pertaining to Propofol (Diprivan), in that Respondent withdrew that substance and
22 administered a portion of it to Patient "A." Thereafter, Respondent failed to document the
23 administration of the substance to the patient in the patient's medication administration record.

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2 **PRAYER**

3 **WHEREFORE**, Complainant requests that a hearing be held on the matters
4 herein alleged, and that following the hearing the Board issue a decision:

- 5 1. Revoking or suspending Registered Nurse License Number 586215, issued
6 to Angela M. Yan;
7 2. Ordering Angela M. Yan to pay the reasonable costs incurred by the Board
8 in the investigation and enforcement of this case pursuant to Code section 125.3; and,
9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 8/14/07

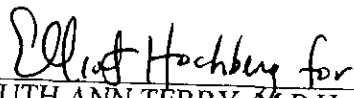
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12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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Exhibit B
Letter of Public Reprimand

BOARD OF REGISTERED NURSING

P.O. Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Ruth Ann Terry, MPH, RN, Executive Officer



May 9, 2008

Ms. Angela M. Yan
421 Napa Street, Apt. 1
Sausalito, CA 94965

RE: Public Reprimand
In the Matter of the Accusation Against:
Angela M. Yan
Registered Nurse License No. 586215
Board of Registered Nursing Case No. 2008-46

Dear Ms. Yan:

On August 14, 2007, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your registered nurse license, alleging unprofessional conduct, wrongfully obtaining and administering dangerous drugs, and making grossly incorrect and inconsistent entries in medical records under Business and Professions Code sections 2761 (a), 2762 (a) and 2762 (e). The Accusation alleges and you admit that you obtained and administered Propofol to a patient, without a physician's order, and then failed to document administration of the medication in the patient's medication administration record.

Taking into consideration the fact that you have no history of prior disciplinary action, the fact that the alleged violations occurred nearly four years ago, and the fact that you have subsequently received excellent job performance evaluations, the Board has determined that the charges warrant a public reprimand.

Accordingly, pursuant to the authority provided under section 495 of the Business and Professions Code, and in resolution of this matter, the Board of Registered Nursing hereby issues this letter of public reprimand.

Sincerely,

Ruth Ann Terry MPH, RN

RUTH ANN TERRY, R.N., M.P.H.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California